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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,352

Applicant(s)

SHAVIT ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,854,007 by Hammond.

Regarding claim 1, Hammond discloses a method for selecting a delivery mechanism for a message (see Abstract), comprising:

creating, by a sender of the message (col. 4, lines 48-56),

a priority table (e.g. Message Tracking Table) of delivery devices (e.g. pager, cellular phone, computer) based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message

(e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27);

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selecting a delivery device (e.g. computer or cellular phone) from the priority table having a highest priority (e.g. first email address or first phone number) and sending the message to the selected device;

and continuing,

if the recipient did not receive the message using a highest priority delivery device,

to sequentially select another delivery device (e.g. pager) according to the priority table

responsive to a dynamic determination of reachability of the recipient (e.g. the MRS system can

automatically perform additional specified activities, such as confirm a message has been

received and reviewed by the recipient and create resend/review reminders to determine

reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1

– col. 6, line 19; col. 8, line 46 – col. 10, line 4)

and send the message to the selected delivery device, until the recipient receives the message

(col. 3, lines 12-30).

Regarding claim 2, the method of claim 1 mentioned above, wherein Hammond further discloses determining a reachability of a recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 3, the method of claim 1 mentioned above, wherein Hammond further discloses if the message has not been delivered to the recipient after a last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (col. 11, lines 33-47).

Regarding claim 4, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that all messages (e.g. email or voice mail) are sent to the recipient using a particular delivery device (e.g. computer) (col. 6, lines 38-55).

Regarding claim 5, the method of claim 4 mentioned above, wherein Hammond further discloses the priority table inherently comprises a name/ID of the recipient, the delivery device, and a delivery address for the delivery device (col. 3, lines 12-43).

Regarding claim 6, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a delivery device is inherently selected according to time of day and day of week (e.g. a sender of a message can select message delivery information that can be specified at the time of sending the original message or after the message has been sent) (col. 3, lines 12-43).

Regarding claim 7, the method of claim 6 mentioned above, wherein Hammond further discloses the priority table comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices (col. 3, lines 12-43; col. 5, line 62 – col. 6, line 19).

Regarding claim 8, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a first delivery device selected to send a current message is the same device (e.g. computer) used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent (col. 4, lines 11-20; col. 9, lines 18-20).

Regarding claim 9, the method of claim 1 mentioned above, wherein Hammond further discloses the priority table is configured in a way that a first delivery device (Fig. 1: 150, 160,

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170, 180) selected to send a current message is a same type of device as the type of device used by the sender (e.g. computer system) to create the message (e.g. if both sender device and recipient device are computers and the first delivery method is sending to an email address) (col. 3, lines 12-43; col. 4, lines 29-33; col. 4, lines 48-56).

Regarding claim 10, the method of claim 1 mentioned above, wherein Hammond further discloses the sender sends a message to one or more recipients and creates a priority table for each recipient (col. 3, lines 31-43).

Regarding claim 11, the method of claim 1 mentioned above, wherein Hammond further discloses the delivery device comprises one of a 3G wireless device, a mobile phone, a fixed telephone, a personal computer, a facsimile device, a pager, and a personal digital assistant (col. 3, lines 24-27; col. 6, lines 38-55).

Regarding claim 12, the method of claim 1 mentioned above, wherein Hammond further discloses a format of the message comprises one of a voice message, a text message, an electronic mail message, an instant message, a short message service message, and a video message (col. 3, lines 24-27; col. 6, lines 38-55).

Regarding claim 13, Hammond discloses a system (e.g. MRS system; Fig. 1; col. 4, lines 29-47) for selecting a delivery mechanism of a message (see Abstract), comprising: a preferences and profile database (e.g. server computer system; Fig. 1, 100) containing a priority table (e.g. Message Tracking Table; Fig. 1, 127), created by a sender of the message (col. 4, lines 48-56), of delivery devices (e.g. pager, cellular phone, computer) of a recipient of the message prior to sending the message (col. 2, lines 43-45; col. 4, lines 48-56),

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the priority table being created based on reachability of the message to the recipient when the message is sent via each of the delivery devices (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 3, line 12 – col. 4, line 20; col. 5, lines 17-27); and

a priority delivery selection logic unit (Fig. 1, 137) selecting a delivery device (e.g. computer or cellular phone) from the priority table having a highest priority (e.g. first email address or first phone number) and

sending the message to the selected device, and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device (e.g. pager) according to the priority table responsive to a dynamic determination of reachability of the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4) and send the message to the selected delivery device, until the recipient receives the message (col. 3, lines 12-30).

Regarding claim 14, the system of claim 13 mentioned above, wherein Hammond further discloses the priority delivery selection logic unit (Fig. 1, 137) and the preferences and profiles database (Fig. 1, 100) are located within a store and forward portion of a multimedia messaging system (Fig. 1) (col. 4, lines 29-47).

Regarding claim 15, the system of claim 13 mentioned above, wherein Hammond further discloses determining a reachability of the recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 16, Hammond discloses a computer-readable storage (e.g. memory; Fig. 1, 130) having a program (Fig. 1, 137) stored therein for controlling a computer (e.g. server computer system; Fig. 1, 100) to select a delivery mechanism for a message (see Abstract) comprising:

creating, by a sender of the message (col. 4, lines 48-56), a priority table (e.g. Message Tracking Table; Fig. 1, 127) of delivery devices (e.g. pager, cellular phone, computer) based on reachability of the message to a recipient of the message using each of the delivery devices prior to sending the message (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27);

selecting a delivery device from the priority table having a highest priority (e.g. first email address or first phone number) and sending the message to the selected device (e.g. computer or cellular phone); and

continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device (e.g. pager) according to the priority table responsive to a dynamic determination of reachability of the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been

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received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4) and send the message to the selected delivery device, until the recipient receives the message (col. 3, lines 12-30).

Regarding claim 17, the computer-readable storage having the program of claim 16, wherein Hammond further discloses determining a reachability of the recipient before sending the message to the selected delivery device (col. 4, lines 11-28).

Regarding claim 18, the computer-readable storage having the program of claim 16, wherein Hammond further discloses if the message has not been delivered to the recipient after a last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (col. 11, lines 33-47).

Regarding claim 19, Hammond discloses a method of selecting a delivery device for a message (see Abstract), comprising:
receiving priority tables of delivery devices, respectively, for each of a plurality of message recipients, the priority tables being customized for each message recipient (col. 3, lines 12-43);
allowing the priority tables of the delivery devices to be dynamically changed for each message recipient (col. 3, line 44 – col. 4, line 2);
selecting, for each message to be transmitted, a delivery device (e.g. computer or cellular phone) having a highest priority (e.g. first email address or first phone number) from a corresponding priority table

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responsive to a dynamic determination of reachability of the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4) and determining whether the recipient of the message to be transmitted is available on the selected device prior to sending the message (col. 2, lines 43-45; col. 4, lines 48-56); (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) (col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and continuing, for each message recipient that is not available on the selected device, to sequentially select another delivery device (e.g. pager) according to the corresponding priority table and to send the message to be transmitted to the selected delivery device, until the message recipient is available on the selected device (col. 3, lines 12-30).

Regarding claim 20, Hammond discloses a method for delivering a message (see Abstract), comprising: creating a priority table (e.g. Message Tracking Table; Fig. 1, 127) of delivery devices (e.g. pager, cellular phone, computer) of the message prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and

adaptively cycling through delivery attempts to the delivery devices

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responsive to a dynamic determination reachability of the message to the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4)

until the message is delivered in accordance with priorities of the priority table (e.g. all messages are sent to a recipient's cellular phone if the cellular phone is available, otherwise messages will be sent to a recipient's pager; all messages are sent a recipient's first email address if the email address is valid, otherwise messages will be sent to a recipient's second email address) and said dynamic determination (col. 3, lines 12-30).

Regarding claim 21, Hammond discloses a method for delivering a message (see Abstract), comprising: creating a priority table (e.g. Message Tracking Table) of delivery devices of a recipient of the message prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27);

cycling through delivery attempts to the delivery devices one at a time until the message is delivered responsive to priorities of the priority table (col. 3, lines 12-30)

and a dynamic determination of reachability of the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4)-;

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and changing priorities of the priority table responsive to prior deliveries between cycles (col. 3, lines 31-43; col. 4, lines 48-56) (e.g. a sender of a message can select message delivery information that can be specified at the time of sending the original message or after the message has been sent) in accordance with the dynamic determination.

Regarding claim 22, Hammond discloses a message delivery method, comprising: allowing a sender of a message to prioritize multiple delivery destinations associated with a recipient prior to sending the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and sending the message to at least one of the multiple delivery destinations in accordance with the prioritization by the sender (col. 3, lines 22-30), where the prioritization is adaptively changed based on message delivery conditions including a message delivery success corresponding to the multiple delivery destinations (e.g. send to a second email address if first email address fails or send to a pager if a cellular phone is not available) (col. 3, lines 22-43) responsive to a dynamic determination of reachability of the recipient (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4).

Regarding claim 23, Hammond discloses a method of delivering a message (see Abstract), comprising: prioritizing delivery mechanisms including delivery destinations prior to delivering the message to a recipient in accordance with an input by a sender of the message (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and

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allowing the sender to select at least one delivery mechanism including a corresponding delivery destination for initial delivery of the message and sequentially selecting from the prioritized delivery mechanisms until the message selected for initial delivery is received by the recipient (e.g. send to a second email address if first email address fails or send to a pager if a cellular phone is not available) (col. 3, lines 22-43) based on a dynamic determination of reachability of the recipient via the prioritized delivery mechanisms (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4).

Regarding claim 24, Hammond discloses a method for selecting a delivery mechanism for a message (see Abstract), comprising:

creating a list of delivery destinations having a first order of devices of a recipient based on an input by a sender and sending a message based on the first order (col. 2, lines 43-45; col. 3, line 12 – col. 4, line 20; col. 4, lines 48-56; col. 5, lines 17-27); and

dynamically adjusting the first order to create a second order of the devices in response to unsuccessful delivery of the message (e.g. send to a second email address if first email address fails or send to a pager if a cellular phone is not available) (col. 3, lines 22-43) and a current determination of reachability of the recipient and sending the message based on the second order (e.g. the MRS system can automatically perform additional specified activities, such as confirm a message has been received and reviewed by the recipient and create resend/review reminders to

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determine reachability of the recipient; col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4).

Response to Argument

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant argues in the Amendment filed on 9-5-06 that Hammond does not disclose '...allowing a priority of delivery destinations to be dynamically adjusted...', '...a dynamic determination of reachability of the recipient...', '...the priority table is configured in a way that a first delivery device selected to send a current message is a same type of device as the type of device used by the sender to create the message...', and '...dynamically adjusting the first order to create a second order of the devices in response to unsuccessful delivery of the message and a current determination of reachability of the recipient and sending the message based on the second order...'. Examiner disagrees.

Hammond clearly discloses allowing a priority of delivery destinations to be dynamically or automatically adjusted by the MRS system based on the MRS system tracking whether each message has been delivered to each recipient by the MRS system creating resend/review reminders to determine reachability of the recipient. This is a dynamic determination made by the MRS system and is not limited to initially specified delivery information by the sender (col. 1, lines 42-62; col. 3, lines 1-30; col. 4, lines 3-28; col. 5, line 1 – col. 6, line 19; col. 8, line 46 – col. 10, line 4). The MRS system can dynamically adjust the message to be sent via pager or a second email address if delivery via a cellular phone or first email address fails based on determining the reachability of the recipient via the MRS system. The sender uses a computer

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system (col. 4, lines 48-56) to send a current message which is the same device used as a first delivery device (col. 4, lines 29-33; Fig. 1: 150, 160, 170, 180), wherein the computer system can receive a message via email. In conclusion, Hammond clearly discloses the claimed limitations.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

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(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
November 15, 2006


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SUPERVISORY PATENT EXAMINER
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